

LOCAL NEWS CONTINUED FROM PAGE THREE—TELEGRAPH CONTINUED FROM PAGE ONE.

COURT DECISIONS.

Notes of Cases Recently Decided,
Which are of Interest to
Our People

DIGESTED BY W. B. MARTIN.
(Exclusively for Virginian-Pilot.)

PORTSMOUTH GAS CO. V. S. B. &
BONSAL.

Supreme Court of Appeals of Virginia.
June 15, 1899.

CORPORATIONS MAY BE MADE
GARNISHEES, BEING INCLUDED
IN THE WORDS "ANY PERSON"
USED IN CODE SECTION 2967.
PUBLIC POLICY DOES NOT EX-
EMPT A MUNICIPAL CORPORA-
TION FROM GARNISHMENT.

The points decided sufficiently appear
from the opinion of the court.

The Court says:
The only question involved is the
right of the plaintiff to subject the debt
due from the city of Portsmouth to the
defendants under the provisions of our
attachment law which authorizes garnish-
ment proceedings against persons
indebted to non-resident defendants.

Section 2967 of the Code provides,
among other things, how the estate of
a non-resident defendant may be levied
upon under attachment proceedings,
and how any person indebted to or hav-
ing in his hands effects of such defendant
may be summoned as a garnishee.

The words "any person" used in that
section includes corporations as well as
natural persons. In Baltimore and
Ohio R. Co. v. Gallahue's admr., 12
Gratt. 655, 663, it was held that when
the word person is used in a statute,
corporations as well as natural persons
are included for civil purposes. This
was the rule at common law. They are
to be deemed, and taken as persons
when the circumstances in which they
are placed are identical with those of
natural persons expressly included in
such statutes.

Mr. Dillon in his work on Municipal
Corporations, while conceding that the
weight of authority is in favor of the
non-liability of municipal corporations to
garnishment, expresses the opinion
that where the question is left entirely
open by statute, that on principle a mu-
nicipal corporation is exempt from li-
ability of this character with respect to
its revenues and the salaries of its offi-
cers, but that where it owes an ordinary
debt to a third person, the mere
inconvenience of having to answer as a
garnishee furnishes no sufficient reason
for withdrawing it from the reach of
the remedies which the law gives credi-
tors of natural persons and private
corporations.

By an act approved February 19, 1898,
express authority is given to subject
the wages and salaries of the officials,
clerks and employees of a municipal
corporation by garnishment where a
judgment has been rendered against
such official, clerk or employee, if it be
the policy of the State, as shown from
this act, to make a municipal corpora-
tion liable to garnishment upon debts
due its officials, there would seem to be
no good reason for holding that it
should not be liable to proceedings
where it owes an ordinary debt to a
third person, unless a contrary rule
has been established in this State. We
have no decision upon the precise
point.

If a municipal corporation is liable to
garnishment in the ordinary case,
where both the execution debtor and the
garnishee are residents of the
State, it is clearly so where the prin-
cipal debtor is a non-resident of the
State.

In that class of cases another rule of
public policy is to be considered, and
that is that the State owes it to its
creditors to provide, as appropriate
remedy by which home creditors may
satisfy the debts due to them by their
debtor to the payment of their
debts. The general rule is that a for-
eign personal representative or guar-
anty cannot be sued out of the juris-
diction in which he is appointed, be-
cause his duties are considered as strictly lo-
cal, yet, under special circumstances,

In order to protect home creditors, the
general rule gives way and our courts
take jurisdiction of suits against them,
as was done in Tunstall v. Pollard's
admr., 11 Leigh 1; and in Clendenning
v. Conrad, 91 Va. 410. The ground upon
which our courts take jurisdiction in
such cases is, that it is the duty of
every sovereignty to provide for the
security of its own people. Our at-
tachment laws against non-resident
debtors having assets or effects in this
State are based upon the same princi-
ple, and give creditors the right to sub-
ject such assets or effects to the pay-
ment of their debts in suits upon con-
structive notice, in violation of the gen-
eral rule that all parties sued are en-
titled to personal notice.

We are of opinion that the city of
Portsmouth was liable to garnishment,
and that the judgment complained of
must therefore be reversed and set
aside, the cause remanded to the
circuit court for further proceedings.
Reversed.

GILBERT V. STEPHENS.

Supreme Court of Georgia.
March 15, 1899.

A NEW GUARDIAN CANNOT BE
LAWFULLY APPOINTED UNTIL
AFTER THE REVOCATION OF
THE APPOINTMENT OF A FORMER
GUARDIAN.

IN SUCH CASE THE SECOND AP-
POINTMENT CANNOT CITE THE OLD
GUARDIAN TO SETTLE HIS AC-
COUNTS.

This was a suit by Stephens claiming
to be guardian for his wife, citing Gil-
bert, her former guardian, to settle his
accounts. There was a judgment for
plaintiff and defendant appealed.

The court says:
Stephens introduced a transcript from
the records of the court of ordinary,
purporting to show his appointment as
the guardian of his wife.

It affirmatively appears, from an ex-
amination of this transcript, however,
that, at the time of the granting of
the order appointing Stephens as such
guardian of Mrs. Stephens, he was the
guardian of Mrs. Stephens, his letters
of guardianship never having been re-
voked. During the progress of the trial
additional evidence to the same effect
was introduced. When the plaintiff
called his case, the defendant moved to
dismiss the proceeding, upon the ground,
among others, that Stephens had no
right to maintain his action; he
not being the lawful guardian of Mrs.
Stephens, for the reason that letters of
guardianship could not lawfully be is-
sued to him without a revocation of
the defendant's letters of guardianship.

This motion was overruled, and the
court thereupon directed a verdict in
favor of the plaintiff for a specified
amount. Gilbert filed a bill of excep-
tions, complaining that the court erred
in overruling his motion to dismiss,
and in directing the verdict.

Without dealing with the motion to
dismiss, we are clear that the court
erred in directing the jury to return a
verdict in favor of the plaintiff. It is
plain that he had no right to recover
without showing that he was the duly
and lawfully appointed guardian of his
wife. The proceeding was instituted in
his name as guardian, and could not be
maintained by him in any other
capacity. The proof showed he was not
in fact her guardian, for it distinctly
appeared that his letters were granted
and taken as such, and as a thing is
voided. In the case of Justices of the
Superior Court of Morgan Co. v. Selman,
5 Ga. 432, this court decided that, when
the court of ordinary had formally
granted the letters of guardianship to a
person capable of discharging the
duties of the trust, no new appointment
could be lawfully made, until former
authority was vacated, by death, re-
moval, or in some other way, and that
a new appointment, made while the
guardian originally appointed still re-
mained in office, was totally void. This
doctrine rests upon sound principle, and
has been so far as we have been able to
ascertain, ever been in any manner de-
parted from or modified by this court.

The conclusion we have reached in the
case now before us, therefore, is that
Stephens was not entitled to a verdict
in any amount, and that the court erred
in directing its finding in his favor.
Judgment reversed.

PEOPLE'S FORUM.

NOTE.—The People's Forum being
freely open to all parties, classes, per-
sons, views and capacities, the Vir-
ginian-Pilot is responsible for none
of the statements nor opinions ex-
pressed therein, nor for the style in
which they are set forth. The ignorant
and uneducated shall be heard here
equally with the learned.

Vivisection.

No. 688 Carroll Street,
Brooklyn, N. Y., July 19, 1899.
Editor Virginian-Pilot,
Norfolk, Va.:

In your issue of July 9th, you pub-
lished an item, referring to vivisection,
and giving some details of the exist-
ence of this uncivilized practice. When
the Virginian-Pilot again finds space in its
columns for such an article, I trust you
will print the following:

Vivisection is not a new practice. It
was old in the time of Shakespeare,
who commented most unfavorably upon
it, exposing its uselessness, and stating
that its only effect was to harden the
heart of the vivisector. A practice
which might have been overlooked in a
semi-barbarous age (but which even
then drew forth from a great thinker,
an avowed condemner of the exist-
ence of this uncivilized practice), is by no
means in keeping with the culture and
refinement of our own day and
generation.

Operations on living animals are often
of a most painful nature, involving a
suffering so acute that the mind of man
can hardly bear the sight. But the faintest
conception of its intensity, unless, he, too,
has been subjected to an agonizing
operation (of long continuance), without
the alleviating agency of anæsthetics.

It is, in almost all vivisectional ex-
periments, utterly impossible to give an
anæsthetic to the subject without at
once violating the whole experiment.
Anæsthetics are seldom administered,
except in school demonstrations, and
even then (generally) not sufficiently
to render the animal insensible.

It has been, and is now, erroneously
claimed that mankind benefit physi-
cally from these experiments; that
through them the physician learns to
treat human disease successfully. This
is absolutely untrue. Moreover, the
vivisection of beasts has led, time and
again, to the death of human beings.

The reason for this is self-evident. We
differ from beasts in structure and in
many other ways. An experimenter
makes a certain operation on (for in-
stance) four thousand rabbits. A
result is the outcome. This is
supposed to be applicable to man. It is
tried on human beings, who die. The
experimenter fancies this is a mere
mistake. Again the operation is tried
on man, with the same result. This is
done many times. At last the vivisec-
tor begins to see that what cured a
rabbit will not cure us.

To pass laws to prevent man vivisection,
is the only way to prevent human
vivisection.

LUIGI GALRANI DOANE, M. D.

An Inquiry.

Editor Virginian-Pilot:
We, the patrons of your valuable pa-
per, would like to ask for good advice

Substitution for an article sought by a
legitimate buyer is wrong treatment
and bad policy, from a number of points
of view. To begin with, the average
buyer knows what they want, and object
to being deceived. A thing is a thing,
"better or just as good," that the same
man or firm makes or bottles it, and
it must be all right. The dealer who
makes these arguments stands in his own
light, and he deserves to be sat down
upon and his methods shown up.

A great many physicians feel that their
patients would be benefited by the use
of a little good whiskey, and knowing of
the reputation and high medicinal value
of the "G. O. Taylor" brand, they pre-
scribe that, either the "Old Bourbon" or
"Pure Rye." The average druggist will
supply it without question; others try to
substitute, and others do substitute with-
out saying "by your leave."

The "G. O. Taylor" Whiskies are get-
ting to have a national reputation. They
are generally liked, and they are be-
lieved when used as the doctors say use
them.

Send to the proprietors,
C. H. Graves & Sons,
Boston, for the opinions of prominent
physicians and tradesmen who prescribe
and deal in "G. O. T."

For sale at White Bros., Norfolk, Va.,
Brown's Hotel, Portsmouth, Va.

and law; would like to inquire through
your paper if there is any law for blow-
ing horns and practicing on the Sab-
bath day. It has become a nuisance
in various neighborhoods, especially
just as the church-going people are
wending their way to church, and it
has been commented on more than
once. The police say they have no
right to complain. We stand the noise
six days, and the seventh they should
cease. Now, who should we make our
complaint to? Let us know through
your paper, and oblige.

A PATRON.

DIVINE SERVICES TO-DAY:

CHURCH OF CHRIST.

Freemason, between Bank and
Grandy and Brower streets. Preaching
by the pastor, Rev. W. F. Smith, at 11 a. m. and 8 p. m.
Sunday school at 9:45 a. m. Christian
Endeavor at 7:30 p. m.

CHRISTIAN CHURCH.

Memorial Temple, corner of Cooke
and Tunstall avenue, Brambleton.
Preaching by the pastor, Rev. J. P.
Barrett, D. D., at 11 a. m. and 8 p. m.
Sunday school at 9:30 a. m.

LUTHERAN CHURCH.

First Church, Charlotte, between
Grandy and Brower streets. Preaching
by the pastor, Rev. J. E. Shook, at 11
a. m. and 8 p. m. Sunday school at 10
a. m.

CHRIST SCIENTIST.

First Church, Public Library building.
Services at 11 a. m. Subject, "Love."
Services Wednesday at 8 p. m.

Reciprocity Treaty With France.
(By Telegraph to Virginian-Pilot.)
Washington, July 22.—The final draft
of the reciprocity treaty between
France and the United States was made
to-day, with a few minor details left
open for final adjustment before the
signing occurs. Both sides now regard
the signing of the treaty as assured,
although there are still some points
open, and these are the subject of cable
exchanges with the authorities at
Paris. The treaty will bear the date
to-day. The consideration of the
treaties, which Jamaica, Bermuda and
Trinidad were concluded late to-day.
The French treaty went over until
Monday.

An Earthquake Shock.

(By Telegraph to Virginian-Pilot.)
Los Angeles, Cal., July 22.—A very
perceptible shock of earthquake was
felt here to-day with vibrations from
east to west. Tall buildings were rock-
ed considerably, and some alarm was
felt, but no damage resulted. It was
felt at other coast points.

Buried Beneath Tons of Clay.

(By Telegraph to Virginian-Pilot.)
Akron, O., July 22.—Four men were
buried under 400 tons of clay in a bank
at the Buckeye Sewerage Company,
east of Akron, to-day. The dead are:
Daniel Callahan, Daniel Pliskov, un-
known onlooker, unknown German.
The fall was so sudden that the men
had no chance to escape.

CURES

Tobacco Habit
FREE!

Anyone Can Have Trial Package
by Sending Name and Address.

A new remedy has been discovered that
is odorless and tasteless, can be mixed
with coffee or food, and when taken into
the system a man cannot use tobacco in
any form. The remedy contains nothing
that could possibly do injury. It is simply
an antidote for the poisons of tobacco
and takes them out of the system. It
will cure even the confirmed cigarette
fiend and is a God-send to mothers who
have growing boys addicted to the smok-
ing of cigarettes. A free trial package of
the remedy will be mailed, prepaid, upon
application to Rogers Drug & Chemical
Co., 311 Glenwood Building, Cincinnati, Ohio.
This will help any woman to solve the
problem of curing her husband, son or
brother of a habit that undermines the
health, having the body subjected to
numerous lingering and dangerous dis-
eases.

Send to the proprietors,
C. H. Graves & Sons,
Boston, for the opinions of prominent
physicians and tradesmen who prescribe
and deal in "G. O. T."

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and deal in "G. O. T."

AFFAIRS IN GERMANY.

LIGHTNING'S FIREARMS—CAMPAIGN
IN THE PHILIPPINES.

(Copyright by the Associated Press.)
Berlin, July 22.—Heavy rains and hail
storms this week have badly damaged
the crops and many people have been
killed by lightning. The river Havel at
Potsdam was filled to its banks for sev-
eral days and thousands of fish were
killed by lightning. Floods are reported
in the Spree and the lowlands
of the Vistula. In Westphalia the
crops have been almost totally destroyed.
The thunder at Hanover was the
most severe experienced for thirty
years. Many people in that province
were struck and killed by lightning. In
Rhineland, where the weather was
supposed to be also reported.

The announcement that Chief Justice
Chambers is to leave Samoa is re-
ceived with great satisfaction by all
sections of the Samoan people. The news-
papers have all along represented
Chambers as the tool of B. B. S. Mux-
son, the British consul at Apia, and es-
pecially hostile to the Germans in the
Islands.

The Berlin papers discuss the Phil-
ippine campaign eagerly.
The Kreuz Zeitung says the Ameri-
cans are making no progress in spite
of exertion. The Tagblatt says the
campaign looks for the present like a
farce, because the Americans have not
sufficient troops in the Philippines to
undertake any serious operations. The
Berliner Courier, referring to efforts
made in Washington to raise new
troops, says:

"The United States is apparently de-
veloping into a military state, after the
example of European countries."
Newspapers here print a letter from
a German at Manila giving the follow-
ing account of things there:

"American officers hold brilliant re-
ceptions in private houses and in the
casino at Malate, to which they invite
prominent Filipinos. The last week in
June there was a reception of this
kind which 600 were present, and which
ended with a ball and fireworks. Four-
fifths of the guests were Filipinos. All
the ladies were invited to appear in
picturesque native costumes. But
while the American civil officials are
leading the Filipinos into fraternizing
and feasting, the two armies are con-
stantly fighting. Everywhere the Phi-
lipines have strong corps pushed
forward close upon the American lines,
and wherever a patrol leaves the main
body it finds itself in the presence of
the enemy and threatened with being
surrounded."

"The Americans take revenge by hav-
ing ships fire upon Filipinos whenever
a few show themselves in order to
bathe. How helpless are the Americans
outside of Manila is shown by the cap-
ture of the American hospital ship
Teller. This vessel took a short cut
under the protection of the cannon of
the warships off Paranaque and was
suddenly surrounded by native boats
and the officers captured. The Monad-
nock got up steam rapidly, but al-
though the opened fire and raked the
shore and forest the result of the re-
scue of the officers was not accomplished.
The Filipinos led the prisoners quietly
away. When marines landed they were
received so warmly that they were
forced to return hastily to the ship."

Jeffries Does Some Talking.
(By Telegraph to Virginian-Pilot.)
Toledo, O., July 22.—Champion Jim
Jeffries boxed to-night three rounds
with his sparring partner, Jim Daly, at
the Lake Erie Park and Casino. Jeffries
took the victory by a knockout in the
third round. He was fighting for a
purse of \$10,000 and a contract to fight
McCoys. He had agreed to do after the fight with
Sharkey. "Personally, I do not think
McCoys is eligible to heavy-weight
honors, but I will take him on because
I have promised to meet all comers,"
said the champion.

Dewey Given Banquet.
(By Telegraph to Virginian-Pilot.)
Trieste, July 22.—This morning Ad-
miral Dewey, accompanied by Flag
Lieutenant Brumby, took Admiral C.
Harris, the United States Minister to
Austria-Hungary, and his staff in a
steam launch to the chateau of Miram-
mar. This evening a banquet was
given on board the Olympia in honor
of Mr. Harris, at which twenty-five
guests were present, including the staff
of the United States Embassy and the
consuls at Vienna and Trieste.

The Saks Stores

234 AND 236 MAIN STREET

A Sale That Appeals to
Every Man's Best Judgment

We don't expect that every man who buys one of these Suits at the special price absolutely needs it now. But some of you are looking ahead thirty days—to when you will want to change to something different. Then you'll have it—knowing that you made a big saving in the cost, too.

That there never was such a sale before is pretty good reason why you need not expect another like it very soon again.

So take advantage of opportunity while it is jogging by.

We're asked every day—"Are there any Blue or Black Serges among them?" Indeed there are—and plain Black and Blue Cheviots as well—besides the most stylish of fancy patterns.

But the values are the conspicuous features—

Division 1—worth up to \$20.00—for \$11.50.

Division 2—worth up to \$12.50—for \$7.50.

Still a good assortment of
Crash Suits—and choice of any
of them—even the \$7.50 ones
—even the Bicycle
Crashes—for \$2.50
Your choice for one week of
the swiftest patterns and
finest cloths in Pants, Herring-
bone and Fancy Worsteds; also
plain blue and \$2.98 Pr.
black effects, at

Banner Men's Shirt Sale of the Season.

This quotation from the last issue of the "Clothier's Weekly" tells the whole story in a nutshell:

"Messrs. Saks & Company have purchased the entire stock of Clinton H. Smith, the famous shirt manufacturer."

Two truths—we have bought the entire stock—and Clinton H. Smith is a famous shirtmaker. The excellence of his Shirts has made him famous. This is what it means to you. To-day we shall put this lot of Negligé Shirts on sale—including as it does values up to \$2.50—for your choice at

\$1.00

All the Smith patterns are exclusive and in fine percales, madras and flannels—from the best foreign and domestic looms—and the cutting and making is the perfection of the art. There are scores of styles—and hundreds of shirts. We never let a good thing go for you slip by us.

At the same time we shall offer 20 Madras Negligé Shirts of our own, 1 pair of cuffs, that match the patterns, all sizes, a strong quality for \$1. Special. 54c

Men's Regular 40s. Balbriggan Shirts and Drawers, full assortment of sizes, Special, 29c

Men's Regular \$1 Fancy List Thread Shirts and Drawers. Special for to-morrow at 69c

Men's Madras Suspender, with patent button, vest-offs, and elastic ends, worth 25c, for 15c

Neckkerchief and Wales Ties, fashionable Neck Dress, French effects, 50c. and 25c.

Japanetta Handkerchiefs, direct importations, 6c. each, worth 25c.

Another Go at the Straw Hats.

The entire stock of Men's Straw Hats is in two lots now—and every braid is a fashionable one—and every shape one of the very latest.

Those that are worth 48c | Those that are worth 89c
up to \$1.50—choice for.. up to \$3—choice for..

Saks & Company.

Androscoggin Bleached Muslin.

will sell at the rate of 10 yards for 80c.

Monday. Come early, as there will be a crowd later.

Tremendous
Reductions in Skirts.

Positively it's a pity to put such pretty and perfect fitting Skirts as these on the counter, and offer them at such astoundingly low prices. Nevertheless they must go.

Will you be a lucky one?

A few, and the prices:—

\$5.50 White P. K. Skirts, decorated with a colored leathery trimming, now \$2.49.

\$4.98 White P. K. Skirts, trimmed in embroidery inserting, now \$1.98. Think!

\$1.89 White P. K. Skirts, hemmed, now 98c.

\$4.60 White P. K. Suits, Jacket and Skirts, trimmed in silk cord, now \$2.98. Think of it!

\$3.50 White P. K. Suits, splendid quality, now \$1.98.

Black figured Mohair Skirts, worth \$1.50, now 50c.

\$11.89 Handsome Black Taffeta Silk Dress Skirts, now \$9.68.

\$12.50 Beautiful Black Crepon Skirts, now \$8.89.

Ladies' Full Regular Made Black Hose, worth 25c a pair, will sell at 12 1/2c a pair here Monday. Only a pair to a buyer.

Read closely and carefully this advertisement, for herein are several "specials" wherein you will profit by buying. No nonsensical or meaningless numbskull sayings will enter these columns.

REMARKS!

Slashing in the
Wash Goods.

1st. All the beautiful light and dark Lawns and Dimities on the first center counter, ranging from 10 to 22c. per yard, have been suddenly cut down to 8c. per yard. Beautiful, cool and summery patterns and fine qualities they are. A rare chance for you to buy your wash goods.

2d. All the Lawns and Dimities and Percies on the second center counter, ranging from 8 to 12 1/2c. per yard, have been dropped to 5c. a yard. Think about that! They are sheer, fine and pretty, too. Notice these, as you enter the store, on the center counters.

That 40-inch 12 1/2c. India Linen is still holding full sway here. It's fine, extra wide and worth 20c., too, you know.

Our scissors are continually clipping it in great quantities, but as we buy in vast quantities our supply is quite exhaustless.

More About
the Black Goods.

There is not a store on Main street, it matters not where, in which you can find a greater offer of Black Goods than you can in our Black Russian Serge. We sell it at 75c., but it's worth a dollar really. It's entirely different and far superior to any of the usual and ordinary 75c. serges. Suppose you come and see it. 48 inches wide, 75c. a yard. Another magnificent offer.

46-inch rich Silk Crepon, worth \$4.50 a yard, now \$2.48 a yard.

It reflects its worth; it shines with that silken sheen seen only in superior fabrics.

42-inch one dollar Crepon now 59c. a yard. That's a reduction, isn't it?

New French Serge, fine and smooth, measures 44 inches wide, our price, 59c. a yard.

38-inch Summer Batiste for summer dresses, 50c. a yard. Priestley's Silk Warp Henriettas are the best in the world, you know. We have them.

Cutting Into
the Parasols.

The severe reducing